

CALIFORNIA COASTAL COMMISSION

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MEMORANDUM

January 19, 2006

TO: Commissioners and Interested Parties

FROM: Steve Monowitz, District Manager
Jonathan Bishop, Coastal Program Analyst

RE: **Annual Review of Coastal Development Permit Amendment 4-82-300-A5 for the Oceano Dunes State Vehicle Recreation Area (ODSVRA), San Luis Obispo County.** For public hearing and possible Commission action at its meeting of February 9, 2006 in San Diego

I. Summary:

The Oceano Dunes Recreational Vehicle Area (ODSVRA), at the northern end of the Nipomo Dunes complex in southern San Luis Obispo County, is a popular destination for off-highway vehicle (OHV) recreation, and supports important habitat for numerous species of rare plants and animals, including significant nesting areas for the threatened Western snowy plover and the endangered California least tern. Pursuant to the terms of a 1982 Coastal Development Permit (CDP) issued for new park facilities, the Commission has periodically reviewed whether recreational use limits and resource management measures are effectively protecting the environmentally sensitive habitat areas of the park. As amended in 2001, CDP 4-82-300-A5 established a Technical Review Team (TRT) and Scientific Subcommittee to analyze resource protection issues and advise the OSDVRA on management measures. The conditions of that amendment require the permit to be renewed annually by the Commission, at which time the Commission may institute an alternative approach to resource management and/or require implementation of specific management measures.

II. Staff Recommendation:

Staff recommends that the Commission take no action to change the terms of Coastal Development Permit (CDP) 4-82-300-A5. According to the TRT's Scientific Subcommittee, the 2005 plover nesting season at OSDVRA was good overall, with more than one fledged chick per male. Although the least tern chick fledging rate at OSDVRA declined in comparison to 2004, the Scientific Subcommittee determined that the 2005 tern nesting season was still good, and provided a fledgling rate that was among the highest in the state. Thus, it appears that current management activities are providing for acceptable nesting and fledgling results.

In addition, the TRT continues to make progress towards completing the research tasks and work products required by CDP. In 2005, priority research tasks identified by the TRT and the Scientific Subcommittee in former years were completed. These include Night Riding, Wintering Shorebird, and Fishery/Aquatic studies, the results of which will be considered by the TRT and

Scientific Subcommittee in the upcoming year. The TRT's priority research task for the upcoming year will be the review of an upcoming multi-species Habitat Conservation Plan (HCP) for the OSDVRA.

In sum, current management measures being implemented at the park appear to be providing a satisfactory level of resource protection, and the TRT continues to make progress towards fulfilling the objectives established by CDP 4-82-300-A5. Therefore, it is the Commission staff's opinion that no changes to the terms of this permit are needed at this time.

III. Background:

In 1982 the Coastal Commission approved Coastal Development Permit (CDP) No. 4-82-300 for the construction of habitat fencing and entrance kiosks at Oceano Dunes State Vehicular Recreation Area (ODSVRA). That permit and subsequent amendments have established limits to the numbers of vehicles and campsites allowed, and required ongoing reviews to ensure that off-highway vehicle (OHV) recreation is managed consistent with the protection of sensitive dune habitats.

The various amendments to CDP 4-82-300 have employed different procedures to review whether management measures are effectively protecting the environmentally sensitive habitat areas contained within the park. On February 14, 2001, the Commission endorsed State Park's proposal to establish a Technical Review Team (TRT) as an alternative to the carrying capacity approach established in 1994. The TRT was created to oversee monitoring of environmental and use trends in the Park, and to advise the Superintendent on resource management issues. As a condition of Commission approval, the TRT was required to include a Scientific Subcommittee that was to identify, develop and evaluate the scientific information needed by decision makers to ensure that the natural resources are adequately managed and protected. The Commission also required the permit to be renewed annually. Specifically, Special Condition 2 states:

Renewal of Permit. Annually, the Commission shall review the overall effectiveness of the Technical Review Team in managing vehicle impacts at the OSDVRA. If the Commission is satisfied with the review, this amendment will remain in effect for an additional year. A longer permit may be requested in the future. Otherwise, an alternative approach to resource management, or set of management measures, may be instituted through this review process.

This is the fifth annual review conducted since the 2001 amendment, which remains in effect as originally approved. Although the Commission has not modified permit conditions in previous reviews, it has requested implementation of specific management measures. In 2003, the Commission voted 7 to 1 to recommend that State Parks expand the portion of beach seasonally closed to recreational use in order to protect Snowy Plover and Least Tern nesting areas. This expansion was carried out late in the 2003 season, and therefore provided little benefit to breeding plovers.¹ In 2004, the Commission requested that State Parks reconsider its decision to

¹ Scientific Subcommittee analysis of management measures implemented in 2003.

reject the Point Reyes Bird Observatory (PRBO) and Scientific Subcommittee's recommendation to close the nesting area on a year-round basis in order to protect habitat quality². This measure was not implemented by State Parks in 2004. In 2005, the Commission made a specific request that the TRT obtain input from the Scientific Subcommittee regarding the decline in Snowy plover fledgling success rates experienced during the 2004 nesting season, and the best approach for protecting habitat quality of the nesting area. As reported below, the TRT and the Scientific Subcommittee responded to this request in 2005.

IV. Analysis:

A. Summary of 2005 Nesting Season

The 2005 ODSRVA plover/tern nesting report (*Nesting of the California Least Tern and Snowy Plover at Oceano Dunes State Vehicular Recreation Area, San Luis Obispo County, California 2005 Season*) found that Snowy Plovers had a successful season. California Least Terns did not have as successful a season as the 2004 season, but fared better than the nesting success of other areas within their range. The paragraphs cited below provide summary details regarding the findings of the 2005 report:

There was a minimum of 116 breeding plovers (65 males and 51 females). Thirty-six banded birds were documented as breeding; twenty of these were banded as chicks and fledged from ODSRVA from 2002-2004. There were a total of 107 known nesting attempts. Seventy-nine nests were in the southern riding area seasonal enclosure (Southern Enclosure), 22 were at Oso Flaco, 4 were from unknown locations (and detected by presence of broods), and 2 were southeast of the Southern enclosure. Eighty of the 103 nests from known locations hatched for a clutch hatching rate of 77.7%. Of the 23 nests that failed, 11 were abandoned pre-term, 4 were abandoned post-term, 7 failed due to unknown causes, and 1 was depredated. Of the 204 hatching chicks, 197 were banded and the fate of 7 unbanded chicks is known (none fledged). Eighty-two of the 204 chicks are known to have fledged for a chick fledging rate of 40.2%. One chick fledged per breeding male is the estimated number needed to prevent the population from declining (USFWS 2001). In 2005, an estimated 1.26 fledgling per male provided for population growth.

All tern nests but one (located in the open riding area at Arroyo Grande creek) were inside a large seasonally fenced enclosure in the southern portion of the vehicle riding area. There was a minimum of 47 breeding pairs. Of the 59 nests, 29 (66.1%) hatched. Of the 20 nests that failed, 7 were abandoned pre-term (prior to expected hatch date), an additional 4 were abandoned but unknown whether pre- or post-term, 4 were lost to unknown causes, 1 was depredated and 1 nest failed when the "chick" died during hatch. Sixty-six chicks hatched and all were banded with a yellow over green split-color plastic band on the right leg and an aluminum U.S. Fish and Wildlife Service (USFWS) band on the left leg. Color tape was placed on the USFWS band to create combinations unique to

² March 22, 2004 letter from Chairman Mike Reilly to State Parks Director Ruth Coleman.

each brood. A minimum of 20 tern chicks are known to have fledged from identifying color banded juveniles in the field.

The TRT's Scientific Subcommittee reviewed the 2005 nesting season report, and prepared recommendations and comments (see Exhibit 2). The subcommittee comments state: "Overall, it was a good plover season at ODSRVA, with more than one fledged chick per male. The least tern chick fledging rate at OSDVRA declined, but was still good and among the highest in the state." Diminished food availability is one suggested explanation for reduced tern reproductive success, but the Scientific Subcommittee cautioned that more data would be needed to confirm this hypothesis.

B. Evaluation of TRT Effectiveness

As required by the conditions of 4-82-300-A5 (attached as Exhibit 3), the TRT, now in its fifth year of operation, should be making management recommendations to the superintendent based on the findings of priority research tasks. The TRT should also be updating research tasks, taking into consideration the specific resource management issues identified by Special Condition 5. Pursuant to this condition, the TRT and the ODSVRA Superintendent must prepare an annual report providing a summary of these activities.

Annual Report

The fifth Annual Report partly addresses the requirements of Special Condition 5 by providing a summary of activities and accomplishments during 2005. The report indicates that 2005 recreational use levels stayed within the limits established under CDP 4-82-300-A5. In addition, the report indicates that "ongoing water quality sampling and monitoring of the Arroyo Grande Creek estuary is providing additional technical and management insights into issues related not only to steelhead trout, but also the tidewater goby, recently discovered to reside in this habitat."

Key issues evaluated by the TRT in 2005 include:

- Research and Management Priorities of the TRT and Scientific Subcommittee.
- Assessment of the cause of reduction in Snowy Plover fledging rates in 2004.
- Expanding the Southern Enclosure North to Pole 6 on a year-round basis.
- Participation in the HCP process.
- Need for the TRT to continue to function in an advisory capacity to the Superintendent and the Commission.

In 2005, the TRT reviewed the status of ongoing research and management priorities and determined that the completion of Night Riding, Wintering Shorebird, and Fish/Aquatic studies were the highest priorities. The results of these studies were completed and distributed to the TRT and Scientific Subcommittee, but no formal action has taken place on these studies.

Overall, the TRT's annual report notes that these efforts "had significant relevance to the completion of the HCP and could contribute site specific information that would further inform habitat conservation efforts at a regional level." The annual report also notes "these studies contributed to the ongoing effort by the park Superintendent to implement specific operational and management measures within the park that serve to directly or indirectly minimize impacts to shorebirds."

One specific request made by the Coastal Commission in 2005 was for the TRT to gather input from the Scientific Subcommittee regarding the decline in Snowy plover fledgling success rates experienced during the 2004 nesting season. Accordingly, the Scientific Subcommittee reported that the 2004 rates may not reflect a particular problem encountered during the year, but that the 2002 and 2003 breeding seasons had much higher rates than average. In other words, the change may have been just part of normal population variability. During 2004, fledgling rates declined throughout the recovery area, not just in the ODSRVA. The Scientific Subcommittee also noted that some predation may have increased in 2004 and that nocturnal predation may have played a role in nest abandonment. According to the 5th Annual Report, these questions place further importance on ongoing implementation of the Predator Management Plan.

Research Priorities

The TRT has identified participation and review of the Habitat Conservation Plan (HCP) as this year's highest priority. As stated previously, the completion of prior research tasks scientific in 2005 was an important step that will enable the TRT to apply the results of this research towards the development and review of the HCP in 2006. Another study that may be considered by the TRT in the upcoming year is the Alternative Access Study currently being undertaken by State Parks, which is expected to be completed in September of 2006. In addition, some TRT members have expressed a desire to further evaluate the potential habitat benefits of closing seasonal nesting areas to vehicle use on a year round basis, as recommended by Scientific Subcommittee. These additional studies could be included as subsets of the priority to focus on the HCP review.

Future of the TRT and Scientific Subcommittee

The TRT and Scientific Subcommittee appear to be at a critical juncture in terms of their effectiveness in providing meaningful input on park management issues. In 2005, many TRT members felt that priority research and monitoring efforts had been accomplished and that the work of the TRT should be brought to a close. Many members indicated that that participation in the public HCP process could replace the TRT. The facilitator recommendations regarding the future of the TRT (Annual Report pg. 14) indicate that the role and function of the TRT has "waned considerably from its initial three and ½ years." In early 2006, the Department of Fish and Game stated that they could no longer participate in the TRT. This is problematic in that the Special Condition for the permit requires participation of the Department of Fish and Game. The HCP also proposes establishing a Scientific Advisory Committee, which could ultimately serve to replace the Scientific Subcommittee. Accordingly, there appears to be general consensus among TRT members that one of its' priorities for the upcoming year should be to develop a plan, and associated permit amendment proposal, that would phase out the TRT and refocus the

park management review and feedback process to one that is more oriented to the upcoming HCP development, review, and implementation process.

C. Evaluation of Current Management Measures

The breeding success of the local and regional populations of snowy plover and least tern that use the Oceano Dunes plays an important role in the statewide recovery effort of these species. Continued and improved protection of the threatened Western Snowy plover and endangered California least tern at the ODSVRA is essential for the protection and enhancement of these rare biological resources. State Parks has been implementing, among other measures, a predator management program to improve fledging success rates. Given the latest feedback from the Scientific Subcommittee regarding predation (day and night), further importance has been placed on implementing and evaluating the Predator Management Plan. State Parks also continues to implement use limits, protective fencing, and other measures to minimize the impacts of recreational use on the parks sensitive habitat areas in accordance with the interim limits established by 4-82-300-A5, and in coordination with other wildlife agencies. This approach appears to be yielding acceptable levels of resource protection, and as a result, no changes to the terms of CDP 4-82-300-A5 are recommended at this time.

Regarding the issue of year-round closures, the Scientific Subcommittee's review of habitat conditions and breeding results suggests that closing the seasonal plover and tern nesting areas to vehicle use on a year round basis may benefit these species. However, the Scientific Subcommittee has also acknowledged that the enhancement measures implemented by the ODSRVA (installing vegetation and dispersing driftwood and seaweed prior to the nesting season) may be equally effective. In order to allow for a scientific based assessment of these options, the Scientific Subcommittee recommends further evaluation of year-round closures and enhancement measures as a new research priority for 2006 (see Exhibit 2). Commission staff will continue to encourage State Parks to complete the recommended study in the upcoming year.

V. Conclusion:

The TRT continues to make progress towards completing the work products required by CDP 4-82-300-A5, and has set forth an appropriate course of action for the upcoming year. In addition, current park management practices appear to be providing acceptable levels of protection for the sensitive natural resources supported by the park. Therefore, CDP 4-82-300-A5 can be renewed without change or modification at this time.

Attached Exhibits:

- Exhibit 1: 2005 Annual Report Cover Letter
- Exhibit 2: 2005 Scientific Subcommittee Recommendations
- Exhibit 3: Special Conditions of 4-82-300-A5
- Exhibit 4: ODSRVA Site Map

Use the link at left to go to the exhibits.